

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHEASTERN DIVISION

Anthony Moore,)
)
 Plaintiff,)
)
 vs.) Case No. 3:08-cv-50
)
 Gov. John Hoeven, et al.,)
)
 Defendants.)

ORDER ADOPTING REPORT AND RECOMMENDATION

Before the Court is Plaintiff Anthony Moore's ("Moore") action seeking redress from various governmental entities and employees. Pursuant to 28 U.S.C. § 1915A, the Court must conduct a preliminary screening of Moore's complaint. The Court received a Report and Recommendation by the Honorable Alice Senechal, United States Magistrate Judge, recommending Moore's claims be allowed to proceed, in part, and dismissed, in part (doc. #38). Subsequently, Moore filed an objection to the Report and Recommendation, arguing that all of his claims be allowed to proceed (doc. #40).

Therefore, upon careful review of these items and the entire file, this Court finds the Magistrate Judge's Recommendations to be correct and hereby adopts the Report and Recommendation in its entirety. Accordingly, Moore's claims are **ALLOWED TO PROCEED**, in part, and **DISMISSED**, in part.

Based on the Magistrate Judge's Recommendation, **IT IS**

ORDERED that Moore's claims regarding NDSP's handling of his "legal mail" be allowed to proceed. Moore's due process claims against officials and employees of the prison regarding insufficient evidence to support disciplinary actions, inadequate notice of a hearing on a disciplinary matter, and refusal to call witnesses in a disciplinary matter are also allowed to proceed.

However, Moore's claims relating to medical testing are dismissed pursuant to section 1915A. Moore's claims regarding involuntary medication and placement in administrative segregation are also dismissed. Furthermore, the claims against three private medical facilities all relate to the medical testing discussed above, and thus these claims are dismissed as well.

Moore's claims against the governor are dismissed pursuant to the Magistrate Judge's Recommendation. His claims against the boards that license social workers and psychologists are also dismissed. Additionally, despite Moore's objection, all claims against the state supreme court justices, the federal district judges, and the federal magistrate judges are dismissed pursuant to section 1915A.

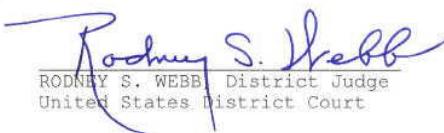
The Fourth Proposed Amended Complaint made allegations against "NDSP employees and officials." Moore identified fifteen individuals who appear to be these "employees and officials." There is little specification of which employees and officials

are alleged to have been involved in the specific claims in paragraphs 2, 3, 4, 5, 6, 7, 8, however. Accordingly, the Court directs that service be made to all identified NDSP employees and officials, with the exception of Tamara Klucksdahl, a dental assistant, James Podrebac, a dentist, and Kathleen Bachmeier, NDSP medical director, because complaints about dental care are no longer at issue and the Court dismissed medical care claims above. Furthermore, Moore's claims against Paul W. Jacobson, disciplinary counsel, are dismissed pursuant to section 1915A.

Finally, as the Magistrate Judge recommended, the Court will not grant the motion to amend the complaint outright. The Court **GRANTS** the motion to file the Fourth Proposed Amended Complaint, and **DENIES AS MOOT** earlier motions to amend the complaint. The Clerk is directed to attach copies of the exhibits of the original complaint which are referenced in the Fourth Proposed Amended Complaint, to that Fourth Proposed Amended Complaint prior to filing it.

IT IS SO ORDERED.

Dated this 4th day of November, 2008.


RODNEY S. WEBB, District Judge
United States District Court